

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
AURANGABAD BENCH, AT AURANGABAD.**

Civil Application No. 02013 of 2019
(In Second Appeal Stamp No. 38486 of 2017)

District : Latur

Kantadevi w/o. Haridwarilal Agrawal. .. Applicant.

versus

Arvind s/o. Atmaram Mankoskar
& another. .. Respondents.

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Mr. S.S. Manale, Advocate, for the applicant.

*Mr. C.R. Deshpande, Advocate, for respondent no.02
(caveator).*

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CORAM : SMT. VIBHA KANKANWADI, J.

DATE : 27TH FEBRUARY 2019

ORAL ORDER :

01. Present application has been filed for getting the delay of 44 days condoned caused in filing second appeal.

02. The applicant submits that he had approached the advocate in order to file second appeal in time. His advocate prepared second appeal and submitted the same to the office of this Court on 16-11-2017. It is stated that since it was stated that certified copies were ready on 19-07-2017 but they were

collected on 22-09-2017, it was the fault of the applicant and, therefore, there is delay. He submits that, in fact, there is no delay; but if at all it is held to be so, then it be condoned.

03. The application has been objected on the ground that it was the fault of the applicant who had not approached the office of District Court, Latur, to collect the certified copies in time and, therefore, whatever reason has been given, cannot be said to be sufficient and reasonable.

04. Heard both sides. Both of them have made submissions supporting their respective contentions.

05. It appears that the certified copies were ready with the District Court, Latur, on 19-07-2017; but they were not collected till 22-09-2017. No doubt, the applicant has his own explanation to be given and, therefore, taking a liberal approach, the delay is hereby condoned. Registry to verify and register the second appeal and it be placed for consideration on 19th March 2019.

06. The civil application is disposed of in the above terms.

(Smt. Vibha Kankanwadi)
JUDGE

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